

HOUSE No. 3318

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

AN ACT MAKING APPROPRIATIONS FOR FISCAL YEAR 2011 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Whereas, the deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2011 and to make certain changes in law, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 To provide for supplementing certain items in the general appropriation act and other
- 2 appropriation acts for fiscal year 2011, the sums set forth in section 2 are hereby appropriated
- 3 from the General Fund unless specifically designated otherwise in this act or in those
- 4 appropriation acts, for the several purposes and subject to the conditions specified in this act or
- 5 in those appropriation acts, and subject to the laws regulating the disbursement of public funds
- 6 for the fiscal year ending June 30, 2011. These sums shall be in addition to any amounts
- 7 previously appropriated and made available for the purposes of those items.

8

9 SECTION 2.

10

11 DISTRICT ATTORNEYS

12 Worcester District Attorney

13 0340-0420 \$253,000

14

15

16 TREASURER AND RECEIVER-GENERAL.

17 Office of the Treasurer and Receiver General

18

19 0612-0105..... \$100,000

20

21 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

22

23 Bureau of State Office Buildings

24 1102-3302..... \$1,300,000

25

26 Reserves

27 1599-4420\$180,032

28

29

30 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES OFFICE OF CHILDREN,

31 YOUTH AND FAMILY SERVICES.

32 Department of Transitional Assistance

33 4400-1100.....\$2,000,000

34

35 Department of Developmental Services

36 5930-1000 \$14,200,000

37

38 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

39

40 Department of Workforce Development

41 7002-0012 \$4,000,000

42

43 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

44 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

45

46 Department of Housing and Community Development

47 7004-0101\$8,000,000

48

49 EXECUTIVE OFFICE OF EDUCATION

50 Department of Elementary and Secondary Education

51 7027-0019\$2,000,000

52

53 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

54 Office of the Secretary of Public Safety and Security

55 8100-0111 \$2,500,000

56

57 Municipal Police Training Committee

58 8200-0200\$450,000

59

60 Military Division

61 8700-0001 \$350,000

62

63 Department of Correction

64 8900-0001 \$4,000,000

65 8900-0010 \$537,006

66

67 SHERIFFS

68 Hampden Sheriff's Department

69 8910-0102 \$325,117

70

71 Worcester Sheriff's Department

72 8910-0105 \$201,706

73

74 Middlesex Sheriff's Department

75 8910-0107 \$298,073

76

77	Franklin Sheriff's Department	
78	8910-0108	\$43,506
79		
80	Hampshire Sheriff's Department	
81	8910-0110	\$58,463
82		
83	Berkshire Sheriff's Department	
84	8910-0145	\$71,465
85	8910-0446	\$50,000
86		
87	Essex Sheriff's Department	
88	8910-0619	\$221,190
89		
90	Barnstable Sheriff's Department	
91	8910-8200	\$104,051
92		
93	Bristol Sheriff's Department	

94	8910-8300	\$133,556
95	8910-0310	\$460,000
96		
97	Dukes Sheriff's Department	
98	8910-8400	\$12,582
99		
100	Nantucket Sheriff's Department	
101	8910-8500	\$3,835
102		
103	Norfolk Sheriff's Department	
104	8910-8600	\$113,982
105		
106	Plymouth Sheriff's Department	
107	8910-8700	\$118,396
108		
109	Suffolk Sheriff's Department	
110	8910-8800	\$424,781

111

112 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
113 provide for an alteration of purpose for current appropriations, and to meet certain requirements
114 of law, the sums set forth in this section are hereby appropriated from the General Fund unless
115 specifically designated otherwise, for the several purposes and subject to the conditions specified
116 in this section and subject to laws regulating the disbursement of public funds for the fiscal year
117 ending June 30, 2011. The sums shall be in addition to any amounts previously appropriated and
118 made available for the purposes of these items.

119

120

121 OFFICE OF THE SECRETARY OF ADMINISTRATION AND FINANCE

122 Reserves

123 1599-1973 For the cost of hired and leased equipment, vehicle repair and sand, salt and other
124 control chemicals used for snow and ice control..... \$49,779,843

125

126 1599-1982 For a reserve to meet the fiscal years 2011 and 2012 costs of salary adjustments and
127 other economic benefits authorized by a collective bargaining agreement between the
128 administrative office of the trial court and the OPEIU Local 6; provided, that the chief justice for
129 administration and management, with the approval of the secretary of administration and finance,
130 shall determine these adjustments and benefits for the confidential employees in accordance with
131 the collective bargaining agreement then in effect which otherwise would cover these positions;

132 provided further, the secretary may transfer from the sum appropriated in this item to other items
133 of appropriation and allocation thereof for fiscal years 2011 and 2012 amounts that are necessary
134 to meet these costs where amounts otherwise available are insufficient for the purpose, in
135 accordance with a transfer plan which shall be filed in advance with the house and senate
136 committees on ways and means; and provided further, that any unexpended funds from this item
137 shall not revert but shall be made available until June 30, 2012 \$30,000,000

138

139 1599-2004 For a reserve to fund the additional administrative costs associated with the design
140 and implementation of initiatives to promote cost containment, transparency and efficiency in the
141 delivery of quality health care; provided, that allowable expenses from this item shall include,
142 but not be limited to, personnel expenditures, professional services and information technology
143 needed to support the Medicaid delivery model commission and the provider price reform
144 commission, costs of personnel and overtime, contracts and the purchase of new information
145 technologies; and provided further, that the executive office for administration and finance shall
146 report quarterly to the house and senate committees on ways and means detailing expenditures
147 from this item\$1,900,000

148

149 1599-4227 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other
150 economic benefits authorized by the collective bargaining agreement between the
151 commonwealth and the Massachusetts Nurses Association, Unit 7\$775,443

152

153 1599-4287 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other
154 economic benefits authorized by the collective bargaining agreement between the
155 commonwealth and the Office and Professional Employees International Union, Local 6 \$36

156

157 1599-4304 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other
158 economic benefits authorized by the collective bargaining agreement between the Barnstable
159 sheriff's department and the Barnstable Correctional Officers\$63,828

160

161 1599-4326 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other
162 economic benefits authorized by the collective bargaining agreement between the Norfolk
163 county sheriff's department and the National Association of Government Employees Locals 296
164 \$12,694

165

166 1599-4334 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other
167 economic benefits authorized by the collective bargaining agreement between the Suffolk county
168 sheriff's department and the American Federation of State, County and Municipal
169 Employees/AFL-CIO, Council 93, Locals 3643/3967\$32,921

170

171 1599-4335 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other
172 economic benefits authorized by the collective bargaining agreement between the Suffolk county

173 sheriff's department and the American Federation of State, County and Municipal
174 Employees/AFL-CIO, Council 93, Local RN.....\$4,582

175
176 1599-4341 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other
177 economic benefits authorized by the collective bargaining agreement between the Suffolk county
178 sheriff's department and the Jail Officers and Employees Association of Suffolk County
179\$142,243

180
181 1599-4354 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other
182 economic benefits authorized by the collective bargaining agreement between the Plymouth
183 sheriff's department and the NCEU 104, Superior Officers \$18,310

184
185 1599-4355 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other
186 economic benefits authorized by the collective bargaining agreement between the Plymouth
187 sheriff's department and the Plymouth Investigators MCOFU (BCI) \$4,426

188
189 1599-4356 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other
190 economic benefits authorized by the collective bargaining agreement between the Plymouth
191 sheriff's department and the Association of County Employees\$78,609

192

193 1599-4357 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other
194 economic benefits authorized by the collective bargaining agreement between the Plymouth
195 sheriff's department and the Plymouth Investigators MCOFU C-Med (Communications Staff)
196\$5,712

197

198 1599-4358 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other
199 economic benefits authorized by the collective bargaining agreement between the Plymouth
200 sheriff's department and the NCEU 301, Plymouth Admin/Tech (Clerical) \$21,988

201

202 SECRETARY OF THE COMMONWEALTH

203 Office of the Secretary of the Commonwealth

204

205 0521-0003 For the commonwealth's administrative costs associated with the special primary and
206 the special election to fill the Massachusetts house of representatives' seat for the tenth
207 Middlesex district including, but not limited to, the printing of nomination papers and ballots,
208 extended polling hours, printing and delivery of election supplies and programming of accessible
209 equipment for both the special primary and special election..... \$30,422

210

211 0521-0004 For the commonwealth's administrative costs associated with the special primary and
212 the special election to fill the Massachusetts house of representatives' seat for the sixth

213 Worcester district including, but not limited to, the printing of nomination papers and ballots,
214 extended polling hours, printing and delivery of election supplies and programming of accessible
215 equipment for both the special primary and special election.....\$51,183

216

217

218 Executive Office of Health and Human Services

219 Department of Elder Affairs

220

221 9110-2500 For the department of elder affairs, which shall not expend more than \$450,000 from
222 revenues from federal reimbursements received for the operation of the Veterans Independence
223 Plus Initiative, a joint initiative of the United States Department of Veterans Affairs and the
224 United States Administration on Aging.....\$450,000

225

226 SECTION 3. Chapter 6 of the General Laws is hereby amended by striking out section 131B, as
227 appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

228

229 Section 131B. At the discretion of the Social Security Administration, the commissioner shall
230 enter into an agreement with the Social Security Administration, under which the commonwealth
231 may administer the program of state supplementary payments authorized by section 1 of chapter
232 118A, or the Social Security Administration may, on behalf of the commonwealth, administer

the program of state supplementary payments for the blind authorized by section 131. This agreement shall satisfy the requirements under section 3 of said chapter 118A which the Social Security Administration shall execute for the administration of state supplementary payments for the aged and disabled.

SECTION 4. Chapter 7 of the General Laws is hereby amended by striking out section 22O, inserted by section 7 of chapter 240 of the acts of 2010, and inserting in place thereof the following section:-

Section 22O. Notwithstanding any contrary provision of law relating to procurement, and to the extent permitted by federal law, a state agency or authority shall establish a preference for the procurement of products or services from businesses, as defined in section 3A of chapter 23A, with their principal place of business in the commonwealth. In addition, the operational services division shall endeavor to ensure that in any fiscal year no less than 15 per cent of statewide procurement contracts are entered into with businesses, as so defined, which (i) are independently owned and operated; (ii) have a principal place of business in the commonwealth; (iii) have been in business for at least one year; and (iv) are defined as a small business under applicable federal law or are defined by the division as small businesses pursuant to the small business purchasing program.

SECTION 5. The first sentence of the fourth paragraph of section 2 of chapter 40G of the General Laws is hereby amended by inserting after the word "development", inserted by section 82 of chapter 240 of the acts of 2010, the following words:- or a designee.

SECTION 6. The first sentence of subsection (b) of section 3 of chapter 40H of the General Laws is hereby amended by inserting after the word “development”, inserted by section 90 of said chapter 240, the following words:- or a designee.

SECTION 7. Section 1 of chapter 62 of the General Laws, as amended by section 26 of chapter 27 of the acts of 2009, is hereby further amended by inserting after the figure “72” the following figures:- , 105, 106,.

SECTION 8. Section 30 of chapter 63 of the General Laws is hereby amended by striking out paragraph 17, as appearing in the 2008 Official Edition.

SECTION 9. Section 87DDD of chapter 112 of the General Laws is hereby repealed.

SECTION 10. Chapter 118A of the General Laws is hereby amended by striking out sections 3, 4 and 5, as appearing in the 2008 Official Edition, and inserting in place thereof the following 3 sections:-

Section 3. The commissioner of transitional assistance shall enter into an agreement with the Social Security Administration regarding the administration of the program of state supplementary payments authorized by section 1. This agreement shall contain all requirements for, and limitations and qualifications on, state supplementary payments which Title XVI or regulations adopted thereunder make necessary. At the option of the commissioner, this agreement may provide for either state or federal administration of the program. Administration of the program by the commonwealth may be delegated to another governmental entity.

275 Section 4. An application to the Social Security Administration for supplemental security income
276 benefits under Title XVI shall also be considered an application for state supplementary payment
277 for the category of assistance for which the application is filed. Eligibility for any category of
278 assistance of an individual or couple shall be determined in accordance with federal law. Unless
279 the commissioner of transitional assistance elects federal administration of the state
280 supplementary payment program, procedures related to notices, appeals and hearings regarding
281 this program shall be determined in accordance with state law.

282
283 Section 5. If the commissioner of transitional assistance elects federal administration of state
284 supplementary payments, there shall be advanced from the state treasury to the Social Security
285 Administration each month an amount equal to the estimated payments authorized for that
286 month.

287 SECTION 11. The third paragraph of section 6 of chapter 118G of the General Laws, as
288 appearing in the 2008 Official Edition, is hereby amended by adding the following sentence:-
289 The division shall adopt regulations to require private and public health care payers to submit
290 claims data, member data and provider data for the purpose of developing and maintaining a
291 database of health care claims data pursuant to subsection (f) of section 16K of chapter 6A.

292 SECTION 12. Said section 6 of said chapter 118G is hereby further amended by inserting after
293 the fifth paragraph, as appearing in section 13 of chapter 288 of the acts of 2010, the following
294 paragraph:-

295 The division shall be the sole repository for health care data collected pursuant to this section.
296 The division shall collect, store and maintain such data in a payer and provider claims database.

The division shall acquire, retain and oversee all information technology, infrastructure, hardware, components, servers and employees necessary to carry out this section. All other agencies, authorities, councils, boards and commissions of the commonwealth seeking health care data that is collected pursuant to this section shall utilize such data prior to requesting data directly from health care providers and payers. In order to ensure patient data confidentiality, the division shall not contract or transfer the operation of the database or its functions to a third-party entity, nonprofit organization or governmental entity; provided, however, that the division may enter into interagency services agreements for transfer and use of the data.

SECTION 13. Section 3 of chapter 125 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- The duties of a correction officer or correctional program officer shall include the duty to transport inmates outside of a correctional facility and to prevent their escape, and no special state police officer appointment under section 127 of chapter 127 shall be necessary for such purposes.

SECTION 14. Section 129B of chapter 140 of the General Laws is hereby amended by inserting after the word "send", in line 174, as so appearing, the following words:- electronically or.

SECTION 15. Clause (9) of said section 129B of said chapter 140, as so appearing, is hereby amended by adding the following 3 sentences:- The commissioner of the department of criminal justice information services shall provide electronic notice of expiration only upon the request of a cardholder. A request for electronic notice of expiration shall be forwarded to the department on a form furnished by the commissioner. Any electronic address maintained by the department for the purpose of providing electronic notice of expiration shall be considered a firearms record and shall not be disclosed except as provided in section 10 of chapter 66.

SECTION 16. Section 131 of said chapter 140, as so appearing, is hereby amended by inserting after the word "send", in line 292, the following words:- electronically or.

SECTION 17. Subsection (l) of said section 131 of said chapter 140, as so appearing, is hereby further amended by adding the following 3 sentences:- The commissioner of the department of criminal justice information services shall provide electronic notice of expiration only upon the request of a cardholder. A request for electronic notice of expiration shall be forwarded to the department on a form furnished by the commissioner. Any electronic address maintained by the department for the purpose of providing electronic notice of expiration shall be considered a firearms record and shall not be disclosed except as provided in section 10 of chapter 66.

SECTION 18 Section 14G of chapter 151A of the General Laws, as so appearing, is hereby amended by inserting after the word "agency", in line 208, the following words:- or state authority.

SECTION 19. Chapter 272 of the General Laws is hereby amended by striking out section 28, as so appearing, and inserting in place thereof the following section:-

Section 28. Whoever purposefully disseminates to a person he knows or believes to be a minor any matter harmful to minors, as defined in section 31, knowing it to be harmful to minors, or has in his possession any such matter with the intent to disseminate the same to a person he knows or believes to be a minor, shall be punished by imprisonment in the state prison for not more than 5 years or in a jail or house of correction for not more than 2 1/2 years, or by a fine of not less than \$1000 nor more than \$10,000 for the first offense, not less than \$5000 nor more than \$20,000 for the second offense, or not less than \$10,000 nor more than \$30,000 for a third or subsequent offenses, or by both such fine and imprisonment. A person who disseminates an

electronic communication or possesses an electronic communication with the intent to disseminate it shall not be found to have violated this section unless he specifically intends to direct the communication to a person he knows or believes to be a minor. A prosecution commenced under this section shall not be continued without a finding or placed on file. It shall be a defense in a prosecution under this section that the defendant was in a parental or guardianship relationship with the minor. It shall also be a defense in a prosecution under this section if the evidence proves that the defendant was a bona fide school, museum or library, or was acting in the course of his employment as an employee of such organization or of a retail outlet affiliated with and serving the educational purpose of such organization.

SECTION 20. The fourth sentence of the first paragraph of chapter 2 of the resolves of 2010, as amended by section 32 of chapter 409 of the acts of 2010, is hereby amended by inserting after the words "the commissioner of the department of higher education or a designee" the following words:- ;a representative from a community college.

SECTION 21 Section 10 of chapter 614 of the acts of 1968 is hereby amended by striking out paragraph (g), added by section 48 of chapter 288 of the acts of 2010, and inserting in place thereof the following paragraph:-

(g)(i) For the benefit of nonprofit community hospitals and nonprofit community health centers licensed by the department of public health and meeting the definition of a community health center under 114.6 CMR 13.00 as either a community health center or a hospital licensed health center, the authority may create and establish special funds to be known as Community Hospital and Community Health Center Capital Reserve Funds and, to the extent so created, shall pay into each such fund any monies appropriated and made available by the commonwealth for the

purposes of such fund, any proceeds from the sale of notes or bonds to the extent provided in the resolution, trust agreement or indenture of the authority authorizing issuance thereof, any other monies or funds and any other monies which may be available to the authority only for the purpose of such fund from any other source or sources. All monies held in the fund, except as hereinafter provided, shall be used solely for the payment of bonds of the authority which are secured by any such fund, which herein shall include becoming payable at maturity or by sinking fund installment, the purchase or tender price of such bonds, the payment of interest on such bonds, or the payment of any redemption premium required to be paid when such bonds are redeemed prior to maturity; provided, however, that monies in a Community Hospital and Community Health Center Capital Reserve Fund shall not be withdrawn therefrom at any time in such amount as would reduce the amount of the fund to less than the maximum amount of principal and interest maturing or becoming due in any succeeding calendar year on outstanding bonds which are secured by the fund, except for the purpose of paying the principal of and interest on such bonds maturing or becoming due or for the retirement of such bonds in accordance with the terms of the trust agreement or other document providing for the issuance of such bonds by the authority and for the payment of which other monies pledged to secure such bonds are not available. Any income or interest earned by, or increment to, a Community Hospital and Community Health Center Capital Reserve Fund due to the investment thereof shall be used by the authority for the purposes of this section.

(ii) The authority shall not issue bonds which will be secured by a Community Hospital and Community Health Center Capital Reserve Fund at any time if the maximum amount of principal and interest maturing or becoming due in any succeeding calendar year on such bonds then to be issued and on all other outstanding bonds of the authority which are secured by such fund will

exceed the amount of such Community Hospital and Community Health Center Capital Reserve Fund at the time of issuance unless the authority, at the time of issuance of such bonds, shall deposit in such fund from the proceeds of the bonds so to be issued, or otherwise, an amount which, together with the amount then in the fund, will be not less than the maximum amount of principal and interest maturing or becoming due in any succeeding calendar year on such bonds then to be issued and on all other outstanding bonds of the authority which are secured by any such fund.

(iii) To assure the continued operation and solvency of the authority for carrying out of the public purposes of this act, provision is made in subparagraph (i) for the accumulation in a Community Hospital and Community Health Center Capital Reserve Fund of an amount equal to the maximum amount of principal and interest maturing or becoming due in any succeeding calendar year on all outstanding bonds which are secured by any such fund. In order to further assure the maintenance of a Community Hospital and Community Health Center Capital Reserve Fund, there shall be appropriated annually and paid to the authority for deposit in the fund such sum, if any, as shall be certified by the executive director of the authority to the secretary of administration and finance as necessary to restore the fund to an amount equal to the maximum amount of principal and interest maturing or becoming due in any succeeding calendar year on the outstanding bonds which are secured by any such fund. The executive director of the authority shall annually, on or before December 1, make and deliver to the secretary of administration and finance a certificate stating the amount, if any, required to restore a Community Hospital and Community Health Center Capital Reserve Fund to the amount aforesaid and the amount so stated, if any, shall be appropriated and paid to the authority for deposit to such fund during the then current fiscal year of the commonwealth.

(iv) For the purposes of this paragraph, in computing the amount of a Community Hospital and Community Health Center Capital Reserve Fund, securities in which all or a portion of the fund are invested shall be valued at par or, if purchased at less than par, at their cost to the authority unless otherwise provided in the resolution, trust agreement or indenture authorizing the issuance of bonds secured by the fund.

(v) For the purposes of this paragraph, the amount of a letter of credit, insurance contract, surety bond or similar financial instrument available to be drawn upon and applied to obligations to which money in the Community Hospital and Community Health Center Capital Reserve Fund may be applied shall be counted as money in the fund. For the purposes of this paragraph, in calculating the maximum amount of interest due in the future on variable rate bonds or bonds with respect to which the interest rate is not at the time of calculation determinable, the interest rate shall be calculated at the maximum interest rate payable on such bonds as provided in the trust agreement or other document providing for the issuance of such bonds by the authority.

(vi) Bonds secured by a Community Hospital and Community Health Center Capital Reserve Fund shall be issued by the authority solely for the benefit of nonprofit community hospitals and nonprofit community health centers licensed by the department of public health and meeting the definition of a community health center under 114.6 CMR 13.00 as either a community health center or a hospital licensed health center.

(vii) Notwithstanding any provision of this act to the contrary, no loan shall be made by the authority to a nonprofit community hospital or nonprofit community health center from the proceeds of bonds secured by a Community Hospital and Community Health Center Capital Reserve Fund established under this paragraph unless: (a) the project to be financed by the loan

has been approved by the secretary of health and human services; and (b) the loan and the issuance and terms of the related bonds have been approved by the secretary of administration and finance. In connection with any loan to a nonprofit community hospital or nonprofit community health center under this paragraph, the secretary of health and human services and the secretary of administration and finance may enter into an agreement with the authority and the nonprofit community hospital or nonprofit community health center to: (1) require that the nonprofit community hospital or nonprofit community health center provide financial statements or other information relevant to the financial condition of the nonprofit community hospital or nonprofit community health center and its compliance with the terms of the loan; (2) require that the nonprofit community hospital or nonprofit community health center reimburse the commonwealth for any amounts the commonwealth transfers to the fund under subparagraph (iii) to replenish the fund as a result of a loan payment default by the nonprofit community hospital or nonprofit community health center; and (3) require compliance by the nonprofit community hospital or nonprofit community health center or the authority with any other terms and conditions that the secretary of health and human services and the secretary of administration and finance consider appropriate in connection with the loan.

(viii) When the authority notifies the secretary of administration and finance in writing that an institution that is the recipient of a loan of the proceeds of bonds secured by a Community Hospital and Community Health Center Capital Reserve Fund under this paragraph is in default as to the payment of principal or interest on such loan, the secretary of administration and finance shall direct the comptroller to withhold any funds in the comptroller's custody that are due or payable to the institution until the amount of the principal and interest due or anticipated to be due has been paid to the authority or the trustee for the bondholders. Funds subject to

withholding under this subparagraph shall include, but not be limited to, federal and state grants, contracts, allocations and appropriations.

(ix) If the authority further notifies the secretary of administration and finance in writing that no other arrangements are satisfactory, the secretary shall direct the comptroller to make available to the authority without further appropriation any funds withheld from the institution under subparagraph (viii). The authority shall apply the funds to the amounts due from the institution, including payments required to be made to the authority or trustee for any bondholders of debt service on any loan of the proceeds of bonds issued by the authority for the institution, or payments required to replenish the Community Hospital and Community Health Center Capital Reserve Fund or otherwise required by the terms of the loan or any other law or contract governing the loan or the bonds issued on behalf of the institution upon failure or default, or upon reasonable expectation of failure or default, of the institution to pay the principal or interest on its loan when due.

(x) The secretary of administration and finance may notify any other agency, department or authority of state government that exercises regulatory, supervisory or statutory control over the operations of the institution. Upon notification, the agency, department or authority shall immediately undertake reviews to determine what action, if any, that agency, department or authority should undertake to assist in the payment by the institution of the money due or the steps that the agencies of the commonwealth, other than the comptroller or the authority, should take to assure the continued prudent operation of the institution or provision of services to the people served by the institution.

(xi) Notwithstanding any general or special law to the contrary, in the event that a nonprofit community hospital or nonprofit community health center fails to reimburse the commonwealth for any transfers made by the commonwealth to the authority to replenish the Community Hospital and Community Health Center Capital Reserve Fund under subparagraph (iii) within 6 months after any such transfer and as otherwise provided under the terms of the agreement among the nonprofit community hospital or nonprofit community health center, the authority and the commonwealth authorized under subparagraph (vii), the secretary of administration and finance may, in the secretary's sole discretion, direct the comptroller to withhold any funds in the comptroller's custody that are due or payable to the nonprofit community hospital or nonprofit community health center to cover all or a portion of the amount the nonprofit community hospital or nonprofit community health center has failed to pay to the commonwealth to reimburse the commonwealth for any such transfers. All contracts issued by the group insurance commission, the commonwealth health insurance connector authority and MassHealth to a third party for the purposes of providing health care insurance paid for by the commonwealth shall provide that, at the direction of the secretary of administration and finance, the third party shall withhold payments to a nonprofit community hospital or nonprofit community health center which fails to reimburse the commonwealth under the agreement authorized under subparagraph (vii) and shall transfer the withheld amount to the commonwealth. Any such withheld and transferred amounts shall be considered to have been paid to the nonprofit community hospital or nonprofit community health center for all other purposes of law, and the nonprofit community hospital or nonprofit community health center shall be considered to have reimbursed the commonwealth in an amount equal to such withheld and transferred funds for purposes of the agreement authorized under said subparagraph (vii).

(xii) For the purposes of this paragraph, a community hospital or community health center shall not include a hospital where the ratio of the number of physician residents-in-training to the number of inpatient beds exceeds 0.25.

SECTION 22 Chapter 194 of the acts of 1998 is hereby amended by striking out section 317, as amended by section 222 of chapter 149 of the acts of 2004, and inserting in place thereof the following section:-

Section 317. There shall be established and set up on the books of the commonwealth a separate trust to be known as the Natural Resource Damages Trust to be administered and expended by the department of environmental protection within the executive office of environmental affairs, but with the written approval of the trustee, as defined herein. Expenditures may be made from the trust account, without further appropriation, for the purposes of funding natural resource restoration, replacement or acquisition of equivalent natural resources, the development of natural resource damages claims including, but not limited to, investigation of such claims and enforcement of settlements. Expenditures may also be made from the trust account, without further appropriation, for the purposes of funding other actions related to natural resources damage including, but not limited to, natural resource damage assessment, natural resource damage recovery, natural resource law enforcement and, if necessary, the costs of personnel and administration of studies or related activities, including grants to public and nonpublic entities, conducted pursuant to the authority of the trustee for natural resources as established by section 2A of chapter 21A of the General Laws, pursuant to section 5 of chapter 21E of the General Laws, sections 23 to 27, inclusive, of chapter 130 of the General Laws, section 42 of chapter 131 of the General Laws, section 9607(f) of Title 42 of the United States Code, section 1321 of Title 33 of the United States Code, section 2706 of Title 33 of the United States Code or any other

relevant and appropriate authority. The trust shall retain all interest earned on sums deposited in the trust. The trust may receive funds as may be appropriated from time to time, as well as gifts and grants of money or other contributions from any source, either public or private, and settlements, judgments, or fines or penalties not designated by law for other specific purposes, to be expended within the purposes of the trust. The fund may not receive any fees that have been collected by an agency within the executive office of environmental affairs.

SECTION 23. Section 417 of said chapter 149 of the acts of 2004 is hereby amended by striking out the figure “2011”, inserted by section 78 of chapter 182 of the acts of 2008, and inserting in place thereof the following figure:- 2013.

SECTION 24. Section 20 of chapter 130 of the acts of 2008 is hereby repealed.

SECTION 25. Section 54 of said chapter 130 is hereby amended by striking out the figure “20”.

SECTION 26. Section 15 of 257 of the acts of 2008 is hereby repealed.

SECTION 27. Section 16 of said chapter 257 is hereby amended by striking out, in line 1, the word “October 1, 2010” and inserting in place thereof the following word:- January 1, 2012.

SECTION 28. Section 17 of said chapter 257 is hereby amended by striking out, in line 1, the word “October 1, 2011” and inserting in place thereof the following word:- January 1, 2013.

SECTION 29. Section 18 of said chapter 257 is hereby amended by striking out, in line 1, the word “October 1, 2012” and inserting in place thereof the following word:- January 1, 2014.

SECTION 30. Sections 16 and 17 of chapter 167 of the acts of 2009, as amended by section 14 of chapter 86 of the acts of 2010, are hereby repealed.

SECTION 31. Section 2 of said chapter 131 is hereby further amended by striking out item 0511-0000 and inserting in place thereof the following item:-

0511-0000 For the operation of the office of the secretary; provided, that the secretary may transfer funds between items 0511-0000, 0511-0200, 0511-0230, 0511-0250, 0511-0260, 0511-0420, 0517-0000, 0521-0000, 0521-0001, 0524-0000; 0540-0900, 0540-1000, 0540-1100, 0540-1200, 0540-1300, 0540-1400, 0540-1500, 0540-1600, 0540-1700, 0540-1800, 0540-1900, 0540-2000 and 0540-2100 pursuant to an allocation schedule filed with the house and senate committees on ways and means not less than 30 days before the transfer; provided, further, that each register of deeds using electronic record books shall ensure that all methods of electronically recording instruments conform to the regulations or standards established by the secretary of state and the records conservation board; provided, further, that those regulations shall be issued on or before June 30, 2011; and provided further in order to meet the federal matching fund requirements, the secretary shall transfer \$81,961 from item 0521-0000 to the HAVA Trust Account 0521-0700 \$6,033,086

SECTION 32. Item 0699-0015 of said section 2 of chapter 131 of the acts of 2010 is hereby amended by adding the following words:- ;provided further, that notwithstanding any general or special law to the contrary or other provisions of this item, the comptroller may charge the payments authorized in the item to the appropriate budgetary or other fund subject to a plan which the comptroller shall file 10 days in advance with the house and senate committees on

ways and means; and provided further, that the comptroller shall transfer from this item to the Government Land Bank Fund an amount equal to the amount by which debt service charged to the fund exceeds revenue deposited to the fund.

SECTION 33. Said section 2 of said chapter 131 is hereby further amended by striking out item 2030-1004 and inserting in place thereof the following item:-

2030-1004 For environmental police private details; provided, that the office may expend revenues of up to \$300,000 collected from the fees charged for private details; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$300,000

SECTION 34. Said section 2 of said chapter 131 is hereby further amended by striking out item 2330-0200 and inserting in place thereof the following item:-

2330-0300 For the administration and operation of the saltwater fishing permit program, in accordance with chapter 161 of the acts of 2009.....\$101,500
Marine Recreational Fisheries Development Fund.....100.00%

SECTION 35. Item 4400-1100 of said section 2 of said chapter 131 is hereby amended by adding the following words:- ; prior appropriation continued

584 SECTION 36. Item 7002-0012 of said section 2 of said chapter 131 is hereby amended by
585 adding the following words:- ; prior appropriation continued.

586 SECTION 37. Item 7027-0019 of said section 2 of said chapter 131 is hereby amended by
587 adding the following words:- ; prior appropriation continued.

588 SECTION 38. Item 8100-0111 of said section 2 of said chapter 131 is hereby amended by
589 adding the following words:- ; prior appropriation continued.

590 SECTION 39. Item 8900-0001 of said section 2 of said chapter 131 is hereby amended by
591 adding the following words:- ; prior appropriation continued.

592 SECTION 40. Section 2E of said chapter 131 is hereby amended by striking out item 1595-1068
593 and inserting in place thereof the following item:-

594

595 1595-1068 For an operating transfer to the MassHealth provider payment account in the Medical
596 Assistance Trust Fund established in section 2QQQ of chapter 29 of the General Laws,
597 notwithstanding the requirement that transfers be completed on or before June 30, 2011 in the
598 introductory paragraph of this section; provided, that these funds shall be expended only for
599 services provided during state or federal fiscal year 2011, and no amounts previously or
600 subsequently transferred into the Medical Assistance Trust Fund shall be expended on payments
601 described in the section 1115 demonstration waiver for services provided during state fiscal year
602 2010 and 2011, or payments described in the state plan for services provided during federal fiscal
603 year 2011; provided, further, that all payments from the Medical Assistance Trust Fund shall be
604 subject to the availability of federal financial participation, shall be made only in accordance

605 with federally-approved payment methods, shall be consistent with federal funding requirements
606 and all federal payment limits as determined by the secretary of health and human services and
607 shall be subject to the terms and conditions of an agreement with the executive office of health
608 and human services; provided, further, that any increase in payment made from the trust fund
609 totaling an amount greater than \$251,000,000 in fiscal year 2011 shall be made only after the
610 secretary of health and human services certifies that any increase in payments from the trust fund
611 shall not exceed the negotiated limit for section 1115 waiver spending; provided, further, that the
612 secretary of health and human services shall notify, in writing, the house and senate committees
613 on ways and means and the joint committee on health care financing of any increases in
614 payments within 15 days; provided, further, that the secretary of health and human services shall
615 make a payment of up to \$383,263,923 from the Medical Assistance Trust Fund to the
616 Cambridge Public Health Commission for dates of service in state and federal fiscal year 2010
617 and 2011, only after the Cambridge Public Health Commission transfers up to \$147,211,673 of
618 its funds to the Medical Assistance Trust Fund using a federally-permissible source of funds
619 which shall fully satisfy the nonfederal share of such payment; and provided, further, that the
620 secretary of health and human services shall make payments from the Medical Assistance Trust
621 Fund totaling an amount not to exceed \$245,500,000 to privately owned acute hospitals in the
622 commonwealth for purposes of transitional relief. Such transitional relief payments shall be in
623 addition to payments from the Medical Assistance Trust Fund made pursuant to supplemental
624 payment agreements entered into between the executive office of health and human services and
625 hospitals designated by the commonwealth as Essential MassHealth Hospitals and Public Service
626 Hospitals; provided, further, that transitional relief payments shall be subject to approval by the
627 Centers for Medicare and Medicaid Services of the amendment to the MassHealth Section 1115

Demonstration as submitted by the commonwealth on March 1, 2010, and in accordance with the methodology approved in that amendment; provided, further, that such payments may be made only pursuant to written certification to the comptroller and the house and senate committees on ways and means by the secretary of administration and finance that sufficient state revenue is available to fund the non-federal share for such payments, consistent with the requirement for a balanced budget; and provided, further, that payments and transfers from this appropriation in fiscal year 2011 may also be used for fiscal year 2010 hospital payments \$886,101,088

SECTION 41. The last sentence of the second paragraph of section 178 of said chapter 131 is hereby amended by striking out the word "January 15" and inserting in place thereof the following word:- September 30.

SECTION 42. Paragraph (2) of subsection (b) of section 173 of chapter 240 of the acts of 2010 is hereby amended by striking out the words "or; (iii) a permit, license, privilege or approval issued by the division of fisheries and wildlife under chapter 131 for hunting, fishing or aquaculture" and inserting in place thereof the following words:- (iii) a permit, license, privilege or approval issued by the division of fisheries and wildlife under chapter 131 of the General Laws for hunting, fishing or aquaculture; or (iv) a project that received funds prior to July 1, 2010 from the Massachusetts Development Finance Agency through the commonwealth's infrastructure investment incentive program.

SECTION 43. The first paragraph of section 181 of said chapter 240 is hereby amended by inserting after the words “commissioner of elementary and secondary education,” the following words:- who shall serve as chair of the commission,.

SECTION 44. The last sentence of the second paragraph of subsection (e) of section 67 of chapter 288 of the acts of 2010 is hereby amended by striking out the word “February 1” and inserting in place thereof the following word:- September 30.

SECTION 45. Item 0699-0005 of section 2A of chapter 359 of the acts of 2010 is hereby amended by adding the following words:- ; provided, further, that notwithstanding any general or special law to the contrary or other provisions of this item, the comptroller may charge the payments authorized in the item to the appropriate budgetary or other fund subject to a plan which the comptroller shall file 10 days in advance with the house and senate committees on ways and means; and provided, further, that the comptroller shall transfer from this item to the Government Land Bank Fund an amount equal to the amount by which debt service charged to the fund exceeds revenue deposited to the fund.

SECTION 46. Section 4 of chapter 476 of the acts of 2010 is hereby amended by striking out the word “Ferdinand”, each time it appears, and inserting in place thereof the following word:- Fernand.

SECTION 47. (a) Notwithstanding any general or special law to the contrary, the comptroller shall transfer \$46,279 from the General Fund to the Central Artery and Statewide Road and Bridge Infrastructure Fund, established in section 63½ of chapter 10 of the General Laws, to reimburse that Fund for interest earned on settlement monies recovered by the commonwealth

and received by the state treasurer. This transfer shall also include any interest earned to date on the \$46,279 as identified by the state treasurer.

(b) Notwithstanding any general or special law to the contrary, the comptroller shall transfer \$1,056,550 from the General Fund to the Central Artery/Tunnel Project Repair and Maintenance Trust Fund, established in section 63A of chapter 10 of the General Laws, to reimburse that Fund for interest earned between January 4, 2008 and February 22, 2008 on settlement monies recovered for the Central Artery/Ted Williams Tunnel Project and received by the state treasurer. This transfer shall also include any interest earned to date on the \$1,056,550 as identified by the state treasurer.

SECTION 48. Except as otherwise provided in this section, a governmental unit shall not procure a new contract or extend an existing contract for a social service program subject to the prospective rate setting process required by section 7 of chapter 118G of the General Laws until after the rate has been set in accordance with the dates set forth in sections 26 to 29, inclusive. After that rate has been set, that rate shall apply to any contract or contract extension that becomes effective on or after the following July 1, though the rate may be applied earlier. Notwithstanding any general or special law to the contrary, to the extent necessary to continue a social service program until a rate has been set in accordance with this subsection and the dates set forth in sections 26 to 29, inclusive, the governmental unit may extend an existing contract for such a social service program, subject to only minor modifications as the governmental unit determines. A governmental unit may procure a new contract before such a rate has been set only with the prior written approval of the secretary of health and human services, including the

secretary's written finding that the new contract is necessary to assure (1) continuity of consumer health, safety or access; (2) program integrity, where a new contract is necessary to replace an existing contract that terminated early due to unanticipated circumstances; or (3) compliance with a court order, settlement agreement or statutory requirement.

SECTION 49. (a) As used in this section, the following words shall have the following meanings:-

"Alteration", work required to modify or adjust the interior space arrangement or other physical characteristics of an existing facility so that it may be more effectively utilized for its presently designated functional purpose;

"Commissioner", the commissioner of capital asset management and maintenance;

"Conversion", work required to modify or adjust the interior space arrangement or other physical characteristics of an existing facility so that it may be effectively utilized for a new functional purpose;

"Job order", an agreed upon fixed-price order issued by a public agency to a contractor pursuant to a job order contract, for the contractor's performance of a specific maintenance, repair, alteration, or conversion project consisting solely of tasks, materials and equipment selected from those specified and priced in that job order contract.

"Job order contract", a contract for the performance of maintenance, repair, alteration and conversion projects, or a subset thereof, (1) that is limited to a specified term, (2) in which the contract specifications consist of technical descriptions of various tasks, materials and equipment at stated unit prices but do not specify the specific projects to be performed by the contractor, (3)

which contains a fixed contractor's mark up over the unit prices stated in the specifications, (4) in accordance with which 1 or more specified state agencies may enter into fixed price job orders with the contractor for the performance of specific projects, consisting solely of combinations of the tasks, materials and equipment specified in the contract, at the unit prices specified therein plus the contractor's mark-up.

"Maintenance", day-to-day routine, normally recurring, repairs, equipment adjustments, and upkeep.

"Repair", work required to restore a facility or system to a condition in which it may continue to be approximately and effectively used for its designated purpose and anticipated life, or to comply with code requirements, by overhaul, reprocessing, or replacement of constituent parts or materials which have deteriorated by action of the elements or wear and tear in use, or which do not meet code requirements.

(b) Notwithstanding section 38C of chapter 7, section 44A of chapter 149, or section 39M of chapter 30 of the General Laws or any other general or special law to the contrary, the commissioner may establish a pilot program for the use of job order contracts by higher education facilities subject to the department of higher education, by 1 or more agencies within the department of correction, and by the division of capital asset management and maintenance with respect to properties for which it is responsible.

(c) As part of the pilot program, the commissioner may procure contracts for services related to the creation and use of job order contracts, including without limitation the creation of task descriptions, specifications and unit prices for use in job order contracts, and agency training and

other services related to such contracts. Such procurement may be conducted in accordance with the procedures specified in 801 CMR 21.00.

(d) The commissioner may procure job order contracts for use by 1 or more state agencies consisting of the division of capital asset management and maintenance, the department of correction, and 1 or more higher education facilities subject to the department of higher education. These contracts shall be limited to job orders estimated to cost not more than \$100,000 each and shall be procured through the procedures specified in section 39M of chapter 30 of the General Laws except that (i) the amount of the bid deposit shall be \$5,000, (ii) contractors who are awarded job orders under any job order contract must be certified by the division for the category of work specified in the contract, and (iii) the amounts of surety bonds required by the contract may be satisfied with respect to each particular job order before the commencement of any work under that job order. The commissioner shall award a job order contract to the eligible and responsible bidder who offers the lowest mark-up over the base unit prices specified in the contract specifications. Such job order contracts shall have a maximum term of 2 years.

(e) The authority granted to the commissioner by this section shall expire on January 1, 2016, but any job order contract awarded before that date may be executed and continue in effect for a maximum term, including any extensions or renewals, of 2 years from the date of its execution and delivery.

(f) On or before June 30, 2016, the commissioner shall prepare and submit a report on his findings resulting from the pilot program to the chairs of the joint committee on state administration and regulatory oversight. The report shall include an analysis of the cost

effectiveness of job order contracting and any other public benefits resulting from job order contracts, and shall contain a recommendation as to whether the General Laws should be amended to permit the use of job order contracts by public agencies and the extent to which use of such contracts should be limited.

SECTION 50. Notwithstanding any general or special law to the contrary, the secretary of health and human services, with the written approval of the secretary of administration and finance, may authorize transfers from items 5911-1003, 5911-2000, 5920-2000, 5920-2010, 5920-2025, 5920-3000, 5920-3010 of section 2 of chapter 131 of the acts of 2010 to item 5930-1000 of said section 2 for the purpose of reducing any deficiency in said item 5930-1000 of said section 2, but any such transfer shall take place not later than June 30, 2011.

SECTION 51. Payments by the United States to the commonwealth during fiscal year 2011 or 2012, resulting from the failure of the Social Security Administration to make proper eligibility determinations in connection with its Special Disability Workload database, shall be deposited in the Commonwealth Stabilization Fund.

SECTION 52. Notwithstanding the provisions of section 20 of chapter 167 of the acts of 2009, as amended by section 14 of chapter 86 of the acts of 2010, the undersecretary of consumer affairs shall not distribute any amount from the Racing Stabilization Fund required under said section from April 1, 2011 to April 1, 2012.

SECTION 53. Notwithstanding any general or special law to the contrary, during fiscal year 2011 pursuant to clause (a) of section 5C of said chapter 29, an amount equal to 1/2 of 1 per cent of the total revenue from taxes in the preceding fiscal year shall be available to be used as revenue for the current fiscal year and then 1/2 of 1 per cent of the total revenue from taxes in the

preceding fiscal year shall be transferred to the Stabilization Fund; provided further that the secretary of administration and finance, after consulting with the chairs of the house and senate committees on ways and means, may provide written certification that there are insufficient funds to complete the fiscal year 2011 in balance whereupon the comptroller shall transfer any amount necessary back to the General Fund to ensure that all budgeted funds are in balance by the end of fiscal year 2011. The comptroller may take overall cash flow needs of the commonwealth into consideration in determining the timing of any transfer of funds under this section. The comptroller shall provide a schedule of transfers to the secretary of administration and finance and to the house and senate committees on ways and means.

SECTION 54. The University of Massachusetts, Lowell, through its chancellor or his designee, may enter into a lease agreement with the owner of adjacent property located at 141 Marginal street in the city of Lowell for the purpose of providing student housing. The term of the lease shall not exceed 10 years, provided, however that the University may opt to renew the lease for an additional 10 years. A lessor selected pursuant to this section shall be solely responsible for the cost of all construction, including the cost of any design services relative to the construction, reconstruction, alteration, remodeling, repair and maintenance of improvements to the property; provided further, that the design and construction of any such improvements shall be exempt from sections 38A1/2 to 38O, inclusive of chapter 7 of the General Laws, section 39M of chapter 30 of the General Laws, section 44A to 44H, inclusive, of chapter 149 of the General Laws and chapter 149A of the General Laws.

SECTION 55. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Financial Literacy Trust Fund the purpose of which is to encourage financial literacy and education for residents, institutions, community organizations

801 and any entities that will promote financial literacy throughout the commonwealth. The fund
802 shall be administered by the state treasurer, in consultation with the board of trustees established
803 under subsection (b). The fund shall accept private contributions, public or privately funded
804 grants and funds appropriated by the state or federal government. No expenditure from the fund
805 shall cause the fund to be in deficiency at the close of the fiscal year. Monies deposited in the
806 fund that are unexpended at the end of the fiscal year shall not revert to the General Fund and
807 shall be available for expenditure in the subsequent fiscal year. The fund shall be an expendable
808 trust fund and shall not be subject to appropriation or allotment.

809 (b) There shall be established a board of trustees to consist of 2 members of the senate 2
810 members of the house of representatives, the state treasurer or his designee, who shall serve as
811 chair and 8 persons to be appointed by him, who shall have experience in fundraising, education
812 or financial services, the attorney general or her designee, the undersecretary of consumer affairs
813 and business regulation or her designee, the secretary of education or his designee, the
814 commissioner of elementary and secondary education or his designee and the secretary of
815 housing and economic development or his designee. All non-elected members shall serve for a
816 term of 3 years, with the potential for re-appointment. The board of trustees shall develop by-
817 laws and may develop regulations for the implementation of the purposes of the trust. The trust
818 may expend funds for the purposes of administration, including an annual independent audit of
819 the financial activities of the fund. The trust may also enter into contracts with private
820 corporations for the purposes of managing and implementing the programmatic fiduciary or
821 administrative goals of the trust, subject to the approval of the board. The trust may also, to the
822 extent deemed necessary, create a 501 (c) 3 corporation to fulfill the purposes of the trust. The
823 state treasurer shall annually report to the general court the results of its investigation and study,

824 including programmatic and financial activities and balances of the fund, together with its
825 recommendations and drafts of legislation necessary to carry said recommendations into effect,
826 by filing the same with the clerk of the house of representatives who shall forward the same to
827 the house and senate committee on ways and means and to the secretary of administration and
828 finance on or before the last Wednesday of December, 2012.

829 (c) Notwithstanding any general or special law, rule or regulation to the contrary, the state
830 treasurer, members of the board of trustees or their designees thereof are hereby authorized and
831 directed to maximize the balance in the trust by soliciting private donations, gifts, grants and
832 bequests of the trust, including direct and indirect fundraising

833 SECTION 56. Section 7 shall be effective for tax years beginning on or after January 1, 2010.

834 SECTION 57. Sections 8, 24 and 25 shall be effective for tax years beginning on or after
835 January 1, 2010.